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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 **THOMAS RAY WOODSON,**

16 Plaintiff,

17 v.

18 **J. RODRIGUEZ, et al.,**

19 Defendants.
20

C 07-4925 CW

**DECLARATION OF T.
EMIGH IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

Judge: The Honorable
Claudia Wilken

21 I, T. EMIGH, declare as follows:

22 1. I am employed by the California Department of Corrections and Rehabilitation
23 (CDCR) as the Assistant Chief of the Inmate Appeals Branch (IAB). I am competent to testify to
24 the matters set forth in this declaration, and if called upon to do so, I would and could so testify.
25 I submit this declaration in support of Defendants' Motion to Dismiss.

26 2. I am familiar with the sections of title 15 of the California Code of Regulations that
27 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an
28 inmate. Section 3084.5(e)(2) provides that "[t]hird level review constitutes the director's

1 decision on an appeal, and shall be conducted by a designated representative of the Director
2 under supervision of the chief, inmate appeals."

3 3. IAB keeps an electronic record of each inmate appeal that has proceeded through the
4 final level of review, the Director's Level. When an appeal is received by IAB and is accepted
5 for review, it is given a Director's Level log number and entered into the computer system. The
6 computer system was commenced in 1993. The following information is kept in the electronic
7 record: the inmate's name and CDCR number, the IAB number, the issue, the accepted date, the
8 institutional log number, the date that the appeal is received and closed, and the final disposition
9 of the appeal.

10 4. The inmate appeal records are made at or near the time that the inmate grievances are
11 investigated and decided, and they are made by a person with knowledge of the matters
12 addressed, or according to information provided by a person with knowledge of those matters.
13 These appeal records are made and kept in the course of regularly conducted activity, as a regular
14 practice.

15 5. A search of the computerized system was conducted for inmate Thomas Woodson, P-
16 76095, at the request of the Attorney General's Office. A true and correct copy of the Director's
17 Level appeals print-out for Thomas Woodson, as of June 6, 2008, is attached as Exhibit A.

18 I declare under penalty of perjury that the forgoing is true and correct to the best of my
19 knowledge.

20 Executed on July 17, 2008, at Sacramento, California.

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23 T. EMIGH
24 Assistant Chief, Inmate Appeals Branch